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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,021	04/12/2007	Christian Zengerling		1130

7590 09/25/2008  
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EXAMINER
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THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
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2873

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09/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/570,021	<b>Applicant(s)</b> ZENGERLING ET AL.	
	<b>Examiner</b> TIMOTHY J. THOMPSON	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22, 24, 30, 35, 38, 42, 44, 45 and 51 is/are rejected.
- 7) ☒ Claim(s) 23, 25-29, 31-34, 36, 37, 39-41, 43, 46-50 and 52-55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/08/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 22-55 are objected to because of the following informalities: because they do not contain open or closed wording such as “comprising” or “consisting of”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 24, 30, 35, 38, 42, 44, 45, 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al.(U.S. Pat. No. 6,473,247).

Regarding claims 22, 35 Keller discloses device for connecting an optical element(fig 1, 10) to a mount of an objective(fig 1, 16), the optical element being connected to the mount via connecting members arranged on the circumference of the optical element(fig 4, 14A), and the mount axis of the optical element being inclined at an angle to the direction of the weight force, characterized in that in order to compensate the weight force of the optical element at least one spring element(fig 4, 14B since the lens mount can be placed with the spring at the bottom then the spring will compensate for the weight)via which the optical element is held on a housing part of the objective is provided in addition.to the connecting members.

Regarding claim 24, Keller discloses characterized in that in addition to being provided for compensating the dead weight, the at least one spring element is also provided for compensating a tilting error(since the spring(fig 4, 14b) holds the lens in place it inherently prevents tilting)

Regarding claim 30, Keller discloses characterized in that the at least one spring element is arranged on the optical .element in a fashion perpendicular to an optical axis of the optical element(fig 4).

Regarding claim 38, Keller discloses characterized in that the at least one holding element is designed as a spring element, its spring force essentially producing no change in position of the optical element during creeping of the Optical element(since the pegs are unmovable the spring will not alter the position of the lens due to creeping).

Regarding claim 42, Keller discloses device for connecting an optical element(fig 1, 10) to a mount of an objective(fig 1, 16), the optical element being connected to the mount via connecting members arranged on the circumference of the optical element(fig 4, 14A), and the mount axis of the optical element being inclined at an angle to the direction of the weight force, characterized in that in order to compensate the weight force of the optical element at least one spring element(fig 4, 14B since the lens mount can be placed with the spring at the bottom then the spring will compensate for the weight) via which the optical element is held on a housing part of the objective is provided in addition to the connecting members, characterized in that the force exerted

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on the optical element by the holding element remains approximately constant in the event of small deflections of the optical element (since the spring force will remain constant over small deflections).

Regarding claim 44, Keller discloses characterized in that in addition to being provided for compensating the dead weight, the at least one spring element is also provided for compensating a tilting error(since the spring(fig 4, 14b) holds the lens in place it inherently prevents tilting)

Regarding claim 45, Keller discloses characterized in that the at least one holding element is designed as a spring element, its spring force essentially producing no change in position of the optical element during creeping of the Optical element(since the pegs are unmovable the spring will not alter the position of the lens due to creeping).

Regarding claim 51, Keller discloses characterized in that the at least one holding element is arranged on the optical element in a fashion perpendicular to an optical axis of the optical element(fig 4).

### ***Allowable Subject Matter***

Claims 23, 25-29, 31-34, 36, 37, 39-41, 43, 46-50, 52-55 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY J. THOMPSON whose telephone number is (571)272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Thompson/  
Primary Examiner, Art Unit 2873